

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

ADMINISTRATIVE GUIDE
FOR ELECTRONIC CASE FILING PROCEDURES

**I. REGISTRATION FOR TRAINING IN CASE MANAGEMENT/ELECTRONIC CASE
 FILING SYSTEM (CM/ECF)**

A. Passwords

Each attorney who receives training and is admitted to practice in this court shall be entitled to one CM/ECF system password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the system. The password will be issued after receiving court training. A separate PACER password will be required to access case information from the court's Internet website.

B. Training Registration

1. After completion of training with the court, each registering attorney will select a password for the training system. Upon completion of the training materials, a registering attorney may contact the Clerk's Office for selection/activation of a live system password.
2. The training registration form shall be completed and submitted for each party requesting training. The form may be duplicated for use. Training registration can be scheduled on the Court's website.
3. All registration forms shall be mailed or delivered to the Charlotte divisional office: United States Bankruptcy Court, Western District of North Carolina, Post Office Box 34189, Charlotte, North Carolina 28234-4189, Attention: Systems Administrator.
4. Once registered, an attorney may withdraw from participation in the system by providing the court with written notice of such withdrawal.

Upon receipt of written notice, the court will immediately cancel the attorney's password and will delete the attorney from any applicable electronic service list.

II. CHANGE IN FILING PROCEDURES FOR NEW PETITIONS AND SCHEDULED DEFICIENCIES

A. EFFECTIVE JANUARY 1, 2002:

Any new bankruptcy case filed non-electronically must be accompanied by a diskette containing the pdf image of the complete petition, schedules, fee disclosures and paper matrix saved as a single file. This file should be named for the debtor and should indicate that it is the petition. For example, if the debtor's last name is Smith the petition file would be named: Petition-Smith.pdf. If the new bankruptcy case is a Chapter 13 filing, an image of the Chapter 13 plan must be saved in pdf format as a separate, single file. Likewise, if the debtor's last name is Smith, the image of the plan would be saved as Plan-Smith.pdf. In addition to providing the image files on diskette, the creditor matrix in ASCII-Dos Text format as presently required by the Court may be provided on the same diskette with the image(s) or on separate diskette. Instructions on how to save a document in PDF format and instructions for creating a creditor matrix on diskette in ASCII-Dos Text format are located on the court's web site (www.ncwb.uscourts.gov) under *CM/ECF Information* and under *Procedures*, respectively. A scanner will be located in the public area in the Clerk's Office for use by the Bar in scanning and saving the image files on diskette if needed. However, the court will not provide diskettes. In addition to providing the image file(s) and matrix text file as specified above, the non-electronic filing must also be accompanied by a paper copy of the first page of the Voluntary Petition. The court will place the case number, date stamp, and time stamp on this single page, and then image and docket it for the record.

B. EFFECTIVE MARCH 1, 2002:

Unless leave of court is allowed to file in paper form, all petitions and scheduled deficiencies filed by attorneys are to be filed electronically. If leave of court is allowed to file in paper form, the attorney will be required to conform to the diskette requirement listed above.

III. **ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

A. Filing

1. All documents should be separately filed, imaged and related to the pleading to which they refer, with the exception that exhibits may be electronically filed together under one docket number.
2. Exhibits/Attachments to documents - including but not limited to leases, notes and the like, which are not available in electronic form, shall be electronically imaged (i.e., scanned) and filed using Portable Document Format (pdf).
3. Expedited Matters
 - a. Charlotte, Shelby and Wilkesboro - Attorneys shall contact the judges' chambers in Charlotte by telephone before such expedited matters are filed on the system.
 - b. Asheville and Bryson City - Attorneys shall contact the division Clerk's Office in Asheville by telephone before such expedited matters are filed on the system.

B. Service

1. Whenever a pleading or other paper is filed electronically in accordance with the electronic filing procedures, the system will automatically generate a "Notice of Electronic Filing" at the time of docketing.
2. The filing party shall serve the pleading or other paper upon all persons entitled to notice or

service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with III-B-3 below.

3. If the recipient of notice or service is a registered attorney in the CM/ECF system, service of the Notice of Electronic Filing shall be the equivalent of service of the pleadings or other paper by first class mail, postage prepaid.

C. Signatures; Affidavits of Service

1. **Maintenance of Original Signed Documents and Affidavits**

- A. **Electronically Filed Documents**

Attorneys filing documents electronically on behalf of their clients may file any document or affidavit (including petitions, schedules, amendments, marriage affidavits, etc.) with an actual image of the signature or with an electronic signature. If the document is submitted with an electronic signature, it shall be in the format as specified herein, with the name typed in full, e.g. "/s/ Jane Doe" in order to constitute an electronic signature. However, whether documents are filed with an electronic signature or with an image of the original signature, the original of any document signed by a debtor or any notarized affidavit must be maintained by the filer for a period of four (4) years after the close of the case and be presented to the court upon request.

- B. **Non-Electronically Filed Documents**

Petitions, schedules, statements and affidavits, filed on diskette in accordance with Section II A of this Administrative Guide, may contain either an image of the original signature or an electronic signature in the format and compliance with

the guidelines specified in the above paragraph (C.1.A). In either event, whether the diskette contains an image of the signature or an electronic signature, the attorney for the debtor is required to maintain all original signed debtor documents (petitions, schedules, statements, marriage affidavits, and amendments thereto) for a period of four (4) years after the close of the case and present same to the court upon request. This requirement applies to all documents signed by the debtor which are filed with the court either at case commencement or subsequent thereto, whether on paper or diskette, the attorney shall maintain these originals as directed herein.

2. **Pro Se Debtors**

Petitions, lists, schedules, statements, amendments, pleadings, affidavits, claims and other documents which must contain original signatures, or which require verification under FRBP 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, must be submitted with full signature. These documents will be scanned by the Clerk's Office, and shall be maintained in the Clerk's Office after scanning.

Number of Copies: Amendment Petition/Schedules:
All Chapters except 11: Original plus one;
Chapter 11: original plus two for individual
Chapter 11 filing OR original plus three for
business Chapter 11 filing.

D. Fees Payable to the Clerk

1. **Registered Users**

For filings that require a fee, application for authorization of credit card payment must have been mailed or delivered to Office of the Clerk, United States Bankruptcy Court, Western District of North Carolina, Post Office Box 34189, Charlotte, North Carolina 28234-4189. The Clerk's

Office in Charlotte will retain the original credit card application form and provide copies to the other applicable divisions.

2. Non-Registered Users

For filings that require a fee, current rules for methods of payments must be followed.

E. Orders

Signed original and copies of orders will be returned to the submitting party for immediate service on the appropriate parties. The filing of a certificate of service with the Clerk's Office is generally not required; however the submitting party will maintain a contemporaneous record of the date of service and parties served.

F. Docketing of Pleadings or Other Documents

The person electronically filing a pleading or other document will be responsible for docketing the pleading or document by selecting the appropriate event from the categories contained in the system.

G. Number of Copies Filed Electronically

No copies are required for documents filed electronically.

H. Retention of Documents

Effective August 1, 2001, the court will not maintain case files for documents filed with the court. After documents are processed by the court, the court will return original documents and copies to the filer. Petitions, lists, schedules, statements, amendments, pleadings, affidavits, claims and other documents which must contain original signatures, or which require verification under FRBP 1008, or an unsworn declaration as provided in 28 U.S. § 1746. Originally executed copies which contain the debtor's signature or verified document caption must be maintained by the filer for a period of four (4) years after the closing of the case, and upon request of the court, the filer

must provide original documents for review. Documents that the court is unable to return will be recycled.

IV. CONVENTIONAL (NON-ELECTRONIC) FILING OF DOCUMENTS

A. Conventional (Non-Electronic) Filings

EFFECTIVE JANUARY 1, 2002:

A diskette containing petitions **scanned** and saved in a **pdf** format must be attached to any petitions and scheduled deficiencies filed non-electronically. Instructions on how to save a document in PDF format are located on the court's web site (www.ncwb.uscourts.gov) under CM/ECF Information. A scanner will be located in the public area in the Clerk's Office.

EFFECTIVE MARCH 1, 2002:

Unless leave of court is allowed to file in paper form, all petitions and scheduled deficiencies filed by attorneys are to be filed electronically. If leave of court is allowed to file in paper form, the attorney will be required to conform to the diskette requirement listed above.

The following documents shall be filed non-electronically unless specifically authorized by the court:

1. **Documents to be filed under seal**

A motion to file document(s) under seal shall be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally. The order of the court authorizing the filing of such document(s) under seal shall be entered electronically by the Clerk's Office or the presiding judge, and shall indicate that the motion to file documents under seal has been "so ordered" in accordance with Paragraph III-E above. The order only shall be attached to the document(s) under seal and be delivered to the Clerk of Court.

2. Trial Exhibits

Trial Exhibits shall be filed conventionally.

3. Transcripts

Transcripts shall be filed conventionally.

4. Claims

Claims shall be filed conventionally.

B. Service of Conventional or 3.5 Inch Floppy Disk Filings

Pleadings or other documents which are filed conventionally shall be served in the manner provided for, and on those parties entitled to notice, in accordance with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules except as otherwise provided by order of the court.

C. Cover Sheet for Documents Filed Conventionally

A completed cover sheet shall be attached to documents filed conventionally, noting the number of pages in the document.

D. Maintenance of Documents Filed Conventionally

Petitions, lists, schedules, statements, amendments, pleadings, affidavits, claims and other documents which must contain original signatures, or which require verification under FRBP 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically or in accordance with the Administrative Order and Administrative Guide. Originally executed copies must be maintained by the filer for a period of four (4) years after the closing of the case, and upon request of the court, the filer must provide original documents for review.

E. Receipt of Case Number

Petitions and Complaints filed conventionally under CM/ECF will receive the case number and copies back

within 24 hours of filing. Emergency filings will be processed at the time of filing.

F. Envelopes

Petitions, lists, schedules, statements, matrices, pleadings and Complaints filed conventionally must include a pre-addressed, stamped envelope, with sufficient postage to return processed documents. If an attorney has a mail slot in the Clerk's Office, it will not be necessary to provide an envelope.

G. Number of Copies

The court requires the following for new bankruptcy petitions, including all schedules, and statements filed over the counter.

Chapter 7: 1: Image of petition, schedules, statements and matrix on diskette named and saved as one file in PDF format on diskette in compliance with Section II A of this Administrative Guide; 2: Creditor matrix saved on diskette (either the same or separate diskette as the image) in ASCII-Dos Text format; and 3: One (1) copy of the first page of the voluntary petition.

Chapter 9: 1: Image of petition, schedules, statements and matrix on diskette named and saved as one file in PDF format on diskette in compliance with Section II A of this Administrative Guide; 2: Creditor matrix saved on diskette (either the same or separate diskette as the image) in ASCII-Dos Text format; and 3: One (1) copy of the first page of the voluntary petition. Pro Se Filers: Submit original and one (1) copy.

Chapter 11: 1: Image of petition, schedules, statements and matrix on diskette named and saved as one file in PDF format on diskette in compliance with Section II A of this Administrative Guide; 2: Creditor matrix saved on diskette (either the same or separate diskette as the image) in ASCII-Dos Text format; 3: One (1) copy of the first page of the voluntary petition; and 4: Two (2) full copies of the petition, schedules, statements and matrix on diskette if an individual chapter 11 filing **OR** three (3) full copies if a business filing, for service by the court upon the BA, IRS and/or SEC.

Chapter 12: 1: Image of petition, schedules, statements and matrix on diskette named and saved as one file in PDF format on diskette in compliance with Section II A of this Administrative Guide; 2: Creditor matrix saved on diskette (either the same or separate diskette as the image) in ASCII-Dos Text format; and 3: One (1) copy of the first page of the voluntary petition.

Chapter 13: 1: Image of petition, schedules, statements and matrix on diskette named and saved as one file in PDF format on diskette in compliance with Section II A of this Administrative Guide; 2: Image of Chapter 13 plan named and saved on diskette as a separate file in PDF format in compliance with Section II A of this Administrative Guide; 3: Creditor matrix saved on

diskette (either the same or separate diskette as the images) in ASCII-Dos Text format; and 4: One (1) copy of the first page of the voluntary petition.

Complaint: Original Complaint, cover sheet, and one (1) summons for each defendant.

Amendment Petition/Schedules: All Chapters except 11: Original plus one; Chapter 11: original plus two for individual Chapter 11 filing OR original plus three for business Chapter 11 filing.

H. Number of Copies of Pleadings

The court will also require the following number of copies of pleadings filed over the counter:

Chapter 11 Monthly Report: Original plus three (3) copies.

Chapter 11 Disclosure Statement: Original plus three (3) copies.

Chapter 11 Plan of Reorganization: Original plus three (3) copies.

Chapter 11 Application for Compensation: Original plus two (2) copies.

Chapter 7 Interim/Quarterly Report: Original.

Chapter 7 Application for Compensation: Original.

Notice of Appeal: Original.

Motions, Notices, or Certificates of Service: Original.

Briefs/Memoranda: Original plus two (2) copies.

Proofs of Claims: Original.

The copy requirements listed above include those required for service on the trustee, SEC, IRS and the Bankruptcy Administrator. The court will only retain original petitions, lists, schedules, statements and matrices filed by *pro se* debtors.

V. **PUBLIC ACCESS TO THE SYSTEM DOCKET**

A. Internet Access

Any person or organization can access the CM/ECF system for information purposes through the national PACER system. PACER passwords can be obtained by contacting PACER directly.

Such access to the system through the Internet site will allow retrieval of the docket sheet and documents. Access to the system will be on a "read only" basis.

B. Public Access at the Court

The public will have electronic access in the Clerk's Office for viewing the documents and docket record filed in the system during regular business hours, Monday through Friday.

C. Conventional Copies and Certified Copies

Conventional copies of the electronically filed documents may be purchased at the Clerk's Office during regular business hours, Monday through Friday. Certified copies may be purchased at the Clerk's Office during regular business hours Monday through Friday. The fee for copying and certification will be in accordance with the fee charged by the copy service and/or 28 U.S.C. § 1930.